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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,389	02/09/1999	ANTHONY J. DEZONNO	97RSS430/713	6116
7590 10/09/2003 WELSH & KATZ LTD 120 SOUTH RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 10/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/246,389

Applicant(s)

DEZONNO, ANTHONY J.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 5-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Hurd (US 6,522,743).

Regarding **claim 1**, Hurd discloses routing calls to call centers (column 1, lines 10-12), (which reads on claimed "a method of reducing messages traffic among peripherals of an automatic call distributor"), such method comprising the steps of:

forming a message table (column 4, line 21 "a suitable database") in a first peripheral (24 on FIG. 1) of the automatic call distributor (column 4, lines 15-29) [The control server comprises a suitable database which contains information for the management and operation of the call center]; and

forwarding a message (column 4, line 39 "voice and data") received by the first peripheral from a source peripheral (20 on FIG.1) to a second peripheral (30 on FIG. 1) of the automatic call distributor based upon a content of the message table (column 4,

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lines 30-48) [The control server receives the call information from the switched telephone network and forward to the router to transmit data to the call center based on information received].

Regarding **claim 2**, Hurd discloses entering an identifier of a message to be forwarded into the formed message table in the peripheral (column 5, lines 15-34).

Regarding **claim 3**, Hurd discloses wherein the step of entering the identifier of the message further comprises entering a corresponding destination identifier to the entry (column 5, lines 15-34).

Regarding **claims 5, 15 and 25**, Hurd discloses wherein the step of sending the list of unnecessary messages further comprises storing the list in said table of the automatic call distributor (column 9, lines 15-30).

Regarding **claims 6 and 16**, Kurd discloses forming a message for transmission to a set of peripherals, including the peripheral (column 10, lines 35-43).

Regarding **claims 7 and 17**, Kurd discloses wherein the step of forming a message for transmission to a set of peripherals further comprises retrieving an identifier of said peripheral of the set of peripherals (column 10, lines 18-34).

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Regarding **claims 8 and 18**, Hurd discloses wherein the step of retrieving an identifier of said peripheral of the set of peripherals further comprises retrieving the list of unnecessary messages from said table based upon said identifier of said peripheral (column 9, lines 30-45).

Regarding **claims 9 and 19**, Hurd discloses wherein the step of retrieving the list further comprises comparing an identifier of the message with the list of unnecessary messages transmitted from said peripheral to the automatic call distributor (column 9, lines 30-45).

Regarding **claims 10 and 20**, Hurd discloses wherein the step of comparing the identifier of the message with the list of unnecessary messages further comprises discarding the message when a match is found between the identifier of the message and an entry of the list of unnecessary messages (column 9, lines 30-45).

Regarding **claim 11**, Hurd discloses routing calls to call centers (column 1, lines 10-12), (which reads on claimed “an apparatus for reducing message traffic in an automatic call distributor”), such apparatus comprising:

means for forming a message table (column 4, line 21 “a suitable database”) within a forwarding peripheral (24 on FIG. 1), the message table being adapted to control messages (column 4, line 21 “voice and data”) received from a message source peripheral (20 on FIG. 1) by the forwarding peripheral and forwarded to a destination peripheral (30 on FIG. 1) of the automatic call distributor (column 4, lines 30-48) [The control server receives the call information from the switched telephone network and forward to the router to transmit data to the call center based on information received]; and

means for amending the table upon startup of the peripheral (column 9, lines 6-14) [The memory functions to receive store and forward various type of information, inherently update the database].

Regarding **claims 12 and 22**, Hurd discloses means for forming a list of identifiers of unnecessary messages in the peripheral to upon startup (column 9, lines 30-45).

Regarding **claims 13 and 23**, Hurd discloses wherein the means for forming the list of unnecessary messages further comprises means for retrieving the list from memory (column 9, lines 30-45).

Regarding **claims 14 and 24**, Hurd discloses means for sending the list of unnecessary messages to the automatic call distributor (column 9, lines 30-45).

Regarding **claim 21**, Hurd discloses routing calls to call centers (column 1, lines 10-12), (which reads on claimed "an apparatus for reducing message traffic in an automatic call distributor"), such apparatus comprising:

a message table (column 4, line 21 "a suitable database") within a memory (58 on FIG. 3) of the automatic call distributor adapted to control messages (column 4, line 21 "voice and data") received from a message source peripheral (20 on FIG. 1) and forwarded by the automatic call distributor to a destination peripheral (26 on FIG. 1) of the automatic call distributor (column 4, lines 30-48) [The control server receives the call information from the switched telephone network and forward to the router to transmit data to the call center based on information received]; and

a message processor (56 on FIG. 3) adapted to amend the table upon startup of the peripheral (column 9, lines 6-14) [The memory functions to receive store and forward various type of information, inherently update the database].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurd in view of Kelly, Jr. et al. (US 5,335,268).

Regarding **claim 4**, Hurd as applied to claim 3 differs from claim 4, in that it fails to disclose a reference to a line of a message matrix.

However, Kelly teaches wherein the step of entering the identifier further comprising providing a reference to a line of a message matrix (column 6, lines 11-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the routing plan in the form of the matrix to provide a reference to a line of the matrix of Kelly in the database table of Hurd.

The modification of the invention would offer the capability of the routing plan in the form of the matrix to provide a reference to a line of the matrix such as the system would dynamically balancing special telephony traffic for clearing the overflow traffic would enhanced.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-25** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
October 3, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

